

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,

Plaintiff,

v.

ACUSHNET COMPANY,

Defendant.

C. A. No. 06-91 (SLR)

**JOINT CLAIM CHART**

**JOINT CLAIM CHART**

Per the Court's scheduling order, the parties submit the following joint claim chart outlining the terms for which there is a claim construction dispute. At issue are three terms that appear throughout the claims of the asserted patents. For convenience, those three terms, as well as the parties' proposed constructions, appear below. Following that is a table that contains the parties' proposed constructions on a claim by claim basis for all of the asserted claims of each of the patents in suit.

Claim Term or Phrase	Appears in	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
"inner cover layer having a <b>Shore D hardness</b> "	'293 Patent, Claims 1, 2, 4, and 5  '130 Patent Claims 1, 2, 4, and 5  '156 Patent Claims 1-11  '873 Patent Claims 1 and 3	The Shore D hardness measurement is performed on the inner cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
"outer cover layer having a <b>Shore D hardness</b> "	'293 Patent, Claims 1, 2, 4, and 5  '130 Patent Claims 1, 2, 4, and 5  '156 Patent Claims 1-3, 5 and 9  '873 Patent Claims 1 and 3	The Shore D hardness measurement is performed on the outer cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
"said inner cover layer comprising an ionomeric resin including no more than 16% by weight of an alpha, beta unsaturated carboxylic acid and having a <b>modulus</b> of from about 15,000 to about 70,000 psi;"	'293 Patent, Claim 4  '130 Patent Claim 5  '156 Patent Claims 8, 10, and 11  '873 Patent Claim 3	<b>The parties agree to the following construction:</b> "modulus" refers to the flex or flexural modulus of any low-acid ionomeric resin in the inner cover layer as measured in accordance with ASTM D-790. "low-acid" means having "no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid."	
"Core"	All claims	Since the term "core" is understood by both those skilled and not skilled in the art, no construction is	The singular component of the golf ball that occupies the geometric center of the sphere of the golf ball

		necessary. However if the Court determines that a construction is needed, Callaway Golf disagrees with Acushnet's construction and offers the following competing construction: "the foundational part of a golf ball, over which one or more cover layers may be applied"	
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## Claim Chart for United States Patent No. 6,210,293

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
<b>Claim 1</b>		
1. A golf ball comprising:		
a core;	Since the term "core" is understood by both those skilled and not skilled in the art, no construction is necessary. However if the Court determines that a construction is needed, Callaway Golf disagrees with Acushnet's construction and offers the following competing construction: "the foundational part of a golf ball, over which one or more cover layers may be applied"	The singular component of the golf ball that occupies the geometric center of the sphere of the golf ball
an inner cover layer having a <b>Shore D hardness</b> of 60 or more molded on said core,	The Shore D hardness measurement is performed on the inner cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
said inner cover layer having a thickness of 0.100 to 0.010 inches,		

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
said inner cover layer comprising a blend of two or more low acid ionomer resins containing no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid; and		
an outer cover layer having a <b>Shore D hardness</b> of 64 or less molded on said inner cover layer,	The Shore D measurement is performed on the outer cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
said outer cover layer having a thickness of 0.010 to 0.070 inches, and		
said outer cover layer comprising a relatively soft polyurethane material.		
<b>Claim 2</b>		
2. The golf ball according to claim 1,		

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
wherein said golf ball has an overall diameter of 1.680 inches or more.		
<b>Claim 4</b>		
4. A multi-layer golf ball comprising:		
a spherical <b>core</b> ;	Since the term "core" is understood by both those skilled and not skilled in the art, no construction is necessary. However if the Court determines that a construction is needed, Callaway Golf disagrees with Acushnet's construction and offers the following competing construction: "the foundational part of a golf ball, over which one or more cover layers may be applied"	The singular component of the golf ball that occupies the geometric center of the sphere of the golf ball
an inner cover layer having <b>Shore D hardness</b> of about 60 or more molded over said spherical core,	The Shore D hardness measurement is performed on the inner cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
said inner cover layer comprising an ionomeric resin including no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid and having a <b>modulus</b> of from about 15,000 to about 70,000 psi; and	<b>The parties agree to the following construction:</b> "modulus" refers to the flex or flexural modulus of any low-acid ionomeric resin in the inner cover layer as measured in accordance with ASTM D-790. "low-acid" means having "no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid."	
an outer cover layer having a <b>Shore D hardness</b> of about 64 or less disposed about said inner cover layer and	The Shore D measurement is performed on the outer cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
		in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
defining a plurality of dimples to form a multi-layer golf ball,		
said outer cover layer comprising polyurethane based material.		
<b>Claim 5</b>		
5. A golf ball according to claim 4,		
wherein said inner cover layer has a thickness of about 0.100 to about 0.010 inches and		
said outer cover layer has a thickness of about 0.010 to about 0.070 inches,		
said golf ball having an overall diameter of 1.680 inches or more.		

**Claim Chart for U.S. Patent No. 6,506,130**

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
<b>Claim 1</b>		
1. A golf ball comprising:		
a <b>core</b> ;	Since the term "core" is understood by both those skilled and not skilled in the	The singular component of the golf ball that occupies the geometric center of the sphere

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
	art, no construction is necessary. However if the Court determines that a construction is needed, Callaway Golf disagrees with Acushnet's construction and offers the following competing construction: "the foundational part of a golf ball, over which one or more cover layers may be applied"	of the golf ball
an inner cover layer having a <b>Shore D hardness</b> of 60 or more molded on said core,	The Shore D hardness measurement is performed on the inner cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
the inner cover layer comprising a blend of two or more low acid ionomer resins containing no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid;		
and an outer cover layer having a <b>Shore D hardness</b> of 64 or less molded on said inner cover layer,	The Shore D hardness measurement is performed on the outer cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
said outer cover layer comprising a relatively soft polymeric material selected from the group consisting of non-ionomeric thermoplastic and thermosetting elastomers.		
<b>Claim 2</b>		



Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
2. A golf ball according to claim 1,		
wherein the inner cover layer has a thickness of about 0.100 to about 0.010 inches and		
the outer cover layer has a thickness of about 0.010 to about 0.070 inches,		
the golf ball having the properties required by the U.S.G.A.		
and having an overall diameter of 1.680 inches or more.		
<b>Claim 4</b>		
4. A golf ball according to claim 1		
wherein the outer layer comprises a polyurethane based material.		
<b>Claim 5</b>		
5. A multi-layer golf ball comprising:		
a spherical <b>core</b> ;	Since the term "core" is understood by both those skilled and not skilled in the art, no construction is necessary. However if the Court determines that a construction is needed, Callaway Golf disagrees with Acushnet's construction and offers the following competing construction: "the foundational part of a golf ball, over which one or more cover layers may be applied"	The singular component of the golf ball that occupies the geometric center of the sphere of the golf ball

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
an inner cover layer having a <b>Shore D hardness</b> of about 60 or more molded over said spherical core,	The Shore D hardness measurement is performed on the inner cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
said inner cover layer comprising an ionomeric resin including no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid and having a modulus of from about 15,000 to about 70,000 psi;	<b>The parties agree to the following construction:</b> "modulus" refers to the flex or flexural modulus of any low-acid ionomeric resin in the inner cover layer as measured in accordance with ASTM D-790. "low-acid" means having "no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid."	
an outer cover layer having a <b>Shore D hardness</b> of about 64 or less	The Shore D hardness measurement is performed on the outer cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
molded over said spherical intermediate ball to form a multi-layer golf ball,		
the outer layer comprising polyurethane based material.		

**Claim Chart for U.S. Patent No. 6,503,156**

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
<b>Claim 1</b>		

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
1. A golf ball comprising:  a <b>core</b> ;	Since the term "core" is understood by both those skilled and not skilled in the art, no construction is necessary. However if the Court determines that a construction is needed, Callaway Golf disagrees with Acushnet's construction and offers the following competing construction: "the foundational part of a golf ball, over which one or more cover layers may be applied"	The singular component of the golf ball that occupies the geometric center of the sphere of the golf ball
an inner cover layer disposed on said core,		
said inner cover layer having a <b>Shore D hardness</b> of at least 60,	The Shore D hardness measurement is performed on the inner cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
said inner cover layer comprising a blend of two or more low acid ionomer resins, each containing no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid;		
and an outer cover layer disposed on said inner cover layer,		
said outer cover layer having a <b>Shore D hardness</b> of about 64 or less,	The Shore D hardness measurement is performed on the outer cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
a thickness of from about 0.01 to about 0.07 inches, and		
comprising a polyurethane material.		
<b>Claim 2</b>		
2. The golf ball of claim 1		
wherein said outer cover layer has a thickness of from about 0.01 to about 0.05 inches.		
<b>Claim 3</b>		
3. The golf ball of claim 1		
wherein said outer cover layer has a thickness of from about 0.03 to about 0.06 inches.		
<b>Claim 4</b>		
4. A golf ball comprising:		
a <b>core</b> ;	Since the term "core" is understood by both those skilled and not skilled in the art, no construction is necessary. However if the Court determines that a construction is needed, Callaway Golf disagrees with Acushnet's construction and offers the following competing construction: "the foundational part of a golf ball, over which one or more cover layers may be applied"	The singular component of the golf ball that occupies the geometric center of the sphere of the golf ball
an inner cover layer disposed about said core,		
said inner cover layer having a <b>Shore D hardness</b> of at least 60,	The Shore D hardness measurement is performed on the inner cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
		the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
said inner cover layer comprising a blend of two or more ionomeric resins, each containing no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid;		
and an outer cover layer disposed on said inner cover layer,		
said outer cover layer having a thickness of from about 0.01 to about 0.07 inches,		
and comprising a polyurethane material.		
<b>Claim 5</b>		
5. The golf ball of claim 4		
wherein said outer cover exhibits a <b>Shore D hardness</b> of about 64 or less.	The Shore D hardness measurement is performed on the outer cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
<b>Claim 6</b>		
6. The golf ball of claim 4		
wherein said outer cover layer has a thickness of from about 0.01 to about 0.05 inches.		

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
<b>Claim 7</b>		
7. The golf ball of claim 4		
wherein said outer cover layer has a thickness of from about 0.03 to about 0.06 inches.		
<b>Claim 8</b>		
8. A golf ball comprising:		
a <b>core</b> ;	Since the term "core" is understood by both those skilled and not skilled in the art, no construction is necessary. However if the Court determines that a construction is needed, Callaway Golf disagrees with Acushnet's construction and offers the following competing construction: "the foundational part of a golf ball, over which one or more cover layers may be applied"	The singular component of the golf ball that occupies the geometric center of the sphere of the golf ball
an inner cover layer disposed on said core,		
said inner cover layer having a <b>Shore D hardness</b> of about 60 or more,	The Shore D hardness measurement is performed on the inner cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
said inner cover layer comprising an ionomeric resin including no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid and having a <b>modulus</b> of from about 15,000 to about 70,000 psi;	<b>The parties agree to the following construction:</b> "modulus" refers to the flex or flexural modulus of any low-acid ionomeric resin in the inner cover layer as measured in accordance with ASTM D-790. "low-acid" means having "no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid."	

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
and an outer cover layer disposed about said inner cover layer,		
said outer cover layer having a thickness of from about 0.01 to about 0.07 inches, and		
comprising a polyurethane material.		
<b>Claim 9</b>		
9. The golf ball of claim 8		
wherein said outer cover exhibits a <b>Shore D hardness</b> of about 64 or less.	The Shore D hardness measurement is performed on the outer cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
<b>Claim 10</b>		
10. The golf ball of claim 8		
wherein said outer cover layer has a thickness of from about 0.01 to about 0.05 inches.		
<b>Claim 11</b>		
11. The golf ball of claim 8		
wherein said outer cover layer has a thickness of from about 0.03 to about 0.06 inches.		

## Claim Chart for U.S. Patent No. 6,595,873

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
<b>Claim 1</b>		
1. A golf ball comprising:		
a <b>core</b> ;	Since the term "core" is understood by both those skilled and not skilled in the art, no construction is necessary. However if the Court determines that a construction is needed, Callaway Golf disagrees with Acushnet's construction and offers the following competing construction: "the foundational part of a golf ball, over which one or more cover layers may be applied"	The singular component of the golf ball that occupies the geometric center of the sphere of the golf ball
an inner cover layer disposed on said core, said inner cover layer having a thickness of from about 0.100 to about 0.010 inches,		
said inner cover layer comprising a blend of two or more ionomer resins, at least one of which contains no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid;		
and an outer cover layer disposed on said inner cover layer,		
said outer cover layer having a thickness of 0.010 to 0.070 inches, and  said outer cover layer comprising a polyurethane material,		



Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
wherein said golf ball has an overall diameter of 1.680 inches or more,		
said inner cover layer having a <b>Shore D hardness</b> of at least 60, and	The Shore D hardness measurement is performed on the inner cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
said outer cover layer having a <b>Shore D hardness</b> of less than 64.	The Shore D hardness measurement is performed on the outer cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
<b>Claim 3</b>		
3. A multi-layer golf ball comprising:		
a spherical <b>core</b> ;	Since the term "core" is understood by both those skilled and not skilled in the art, no construction is necessary. However if the Court determines that a construction is needed, Callaway Golf disagrees with Acushnet's construction and offers the following competing construction: "the foundational part of a golf ball, over which one or more cover layers may be applied"	The singular component of the golf ball that occupies the geometric center of the sphere of the golf ball
an inner cover layer having <b>Shore D hardness</b> of at least 60 disposed on said spherical core,	The Shore D hardness measurement is performed on the inner cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes

Claim	Callaway Golf's Proposed Construction	Acushnet's Proposed Construction
		referred to as an "off the ball" measurement
said inner cover layer comprising an ionomeric resin including no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid and having a <b>modulus</b> of from about 15,000 to about 70,000 psi; and	<b>The parties agree to the following construction:</b> "modulus" refers to the flex or flexural modulus of any low-acid ionomeric resin in the inner cover layer as measured in accordance with ASTM D-790. "low-acid" means having "no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid."	
an outer cover layer having a <b>Shore D hardness</b> of about 64 or less	The Shore D hardness measurement is performed on the outer cover layer on the ball.	This phrase is indefinite, but to the extent it can be construed, it means the hardness of a slab of the cover layer material on the Shore D scale as measured in accordance with ASTM D-2240. This is sometimes referred to as an "off the ball" measurement
disposed about said inner cover layer and		
defining a plurality of dimples to form a multi-layer golf ball,		
said outer cover layer comprising a polyurethane based material and		
said outer cover layer having a thickness of from about 0.010 to about 0.070 inches.		

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